

**CALENDAR ITEM
C28**

A 2
S 2

02/20/15
PRC 2164.1
B. Terry

CORRECTION TO PRIOR AUTHORIZATION

LESSEES:

Sum M. Seto Properties, LLC and Jenny P. Seto Properties, LLC

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Albion River, adjacent to Assessor's Parcel Number 123-170-01, near Albion, Mendocino County.

AUTHORIZED USE:

Continued operation, use and maintenance of an existing commercial marina, consisting of an existing boat launch ramp, two landings, three floating docks, pilings, and two water intake pipelines.

LEASE TERM:

20 years, beginning December 29, 2013.

CONSIDERATION:

\$5,000 per year, with an annual Consumer Price Index adjustment, and the State reserving the right to adjust the rent at the 10-year anniversary, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$2,000,000 per occurrence.

Bond:

Surety bond or other security in the amount of \$10,000.

Other:

Lessee agrees to implementation of the Commission's "Best Management Practices for Marina Owners/Operations" and "Best Management Practices for Guest Dock Users and Boaters," including additional Best Management Practices (BMPs) the Commission subsequently deems appropriate for either of the above categories. Lessee shall post the

CALENDAR ITEM NO. **C28** (CONT'D)

BMPs in prominent places within the lease premises. The Lessee shall provide the Commission, on the first anniversary of the lease and on every third anniversary thereafter, a report on compliance with all BMPs.

OTHER PERTINENT INFORMATION:

1. On October 14, 2014, the Commission authorized a General Lease – Commercial Use to Sum M. Seto Properties, LLC and Jenny P. Seto Properties, LLC. Staff has since discovered that the beginning date of the lease was incorrectly shown as December 30, 2013, in Calendar Item No. C57, under Lease Terms and Authorization. The true beginning date of the Lease is December 29, 2013. Therefore, staff is requesting Commission approval to correct the beginning lease date to December 29, 2013.
2. The staff recommends that the Commission find that the subject correction of prior authorization does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

EXHIBITS:

- A. Land description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject correction of prior authorization is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

Authorize correction of the Commission's October 14, 2014, authorization of a General Lease – Commercial Use, issued to Sum M. Seto Properties, LLC and Jenny P. Seto Properties, LLC, to change the Lease beginning date shown as December 30, 2013, to December 29, 2013; all other terms

CALENDAR ITEM NO. **C28** (CONT'D)

and conditions of the prior authorization and lease remain unchanged and in effect.

EXHIBIT A

PRC 2164.1

LAND DESCRIPTION

A parcel of tide and submerged land, situate in the bed of the Albion River lying adjacent to Lot 5 of Section 28, T16N, R17W, MDM as shown on the Official Government Plat approved April 16th, 1873, County of Mendocino, State of California and more particularly described as follows:

BEGINNING at a point on the right bank of the Albion River, and having the following CCS83, Zone 2 coordinates N(Y)=2213248.22 feet, E(X)=6060584.49 feet from which Continuous Operating Reference Stations (CORS) LILRVRAIR_CN2006 CORS ARP bears North 24°38'01" East 13,957.52 feet thence along said bank the following nine (9) courses:

- 1) South 84°13'28" East 81.73 feet;
- 2) South 57°48'17" East 348.07 feet;
- 3) South 72°43'09" East 495.00 feet;
- 4) North 40°21'07" East 97.50 feet;
- 5) North 26°59'41" East 205.54 feet;
- 6) North 20°33'20" East 215.32 feet;
- 7) North 46°00'22" East 106.20 feet;
- 8) North 26°40'06" East 195.00 feet;
- 9) North 10°32'29" West 38.62 feet;

thence leave said bank South 41°57'23" East 46.34 feet;

thence the following eleven (11) courses:

- 1) South 23°51'55" West 280.10 feet;
- 2) South 21°37'55" West 195.08 feet;
- 3) South 27°38'53" West 190.21 feet;
- 4) South 21°40'45" West 133.60 feet;
- 5) South 54°01'59" West 78.65 feet;
- 6) South 85°53'25" West 60.64 feet;
- 7) North 75°29'07" West 406.07 feet;
- 8) North 71°21'40" West 149.11 feet;
- 9) North 07°30'43" East 55.60 feet;
- 10) North 62°33'07" West 295.82 feet;
- 11) North 34°25'45" West 75.08 feet;

thence North 53°22'08" East 13.37 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the right bank of said river.

The Basis of Bearings is CCS83, Zone 2 (Epoch 2010.000) as determined locally by a line between Continuous Operating Reference Stations (CORS) LILRVRAIR_CN2006 CORS ARP and POTRVLYSCHCN2005 CORS ARP bearing North 84°14'32" East as derived from geodetic values published by the National Geodetic Survey (NGS). All distances are grid and in U.S. survey feet.

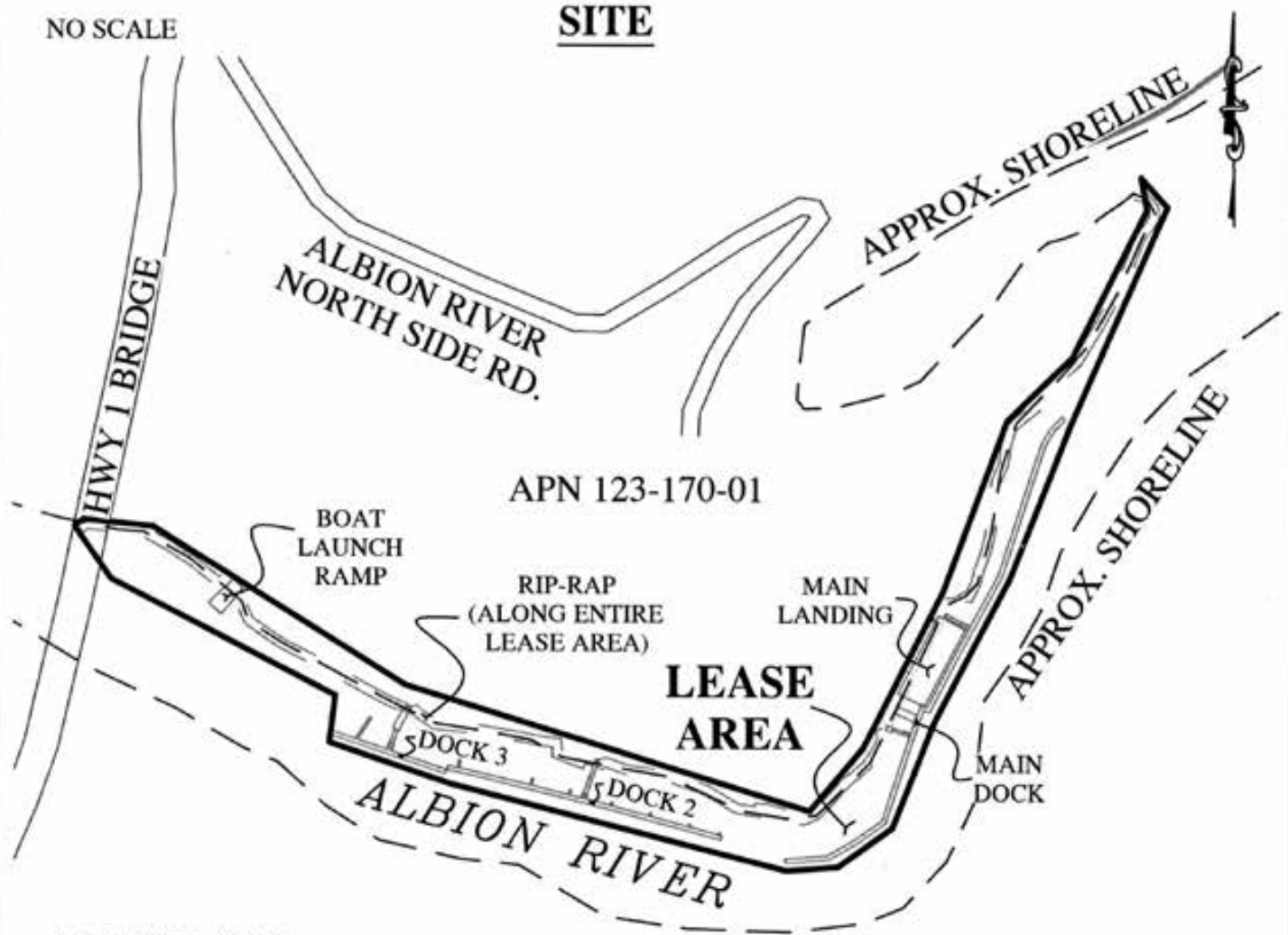
END OF DESCRIPTION

PREPARED 9/02/14 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



NO SCALE

SITE



* ALL STRUCTURES
SHOWN ARE EXISTING

Albion Flats, Albion River

NO SCALE

LOCATION



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 2164.1
SUM M SETO
PROPERTIES LLC.
APN 123-170-01
GENERAL LEASE -
COMMERCIAL USE
MENDOCINO COUNTY



MJF 09/02/14